

# Hawaiian Gazette.

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HONOLULU, H. T., FRIDAY OCTOBER 7, 1904—SEMI-WEEKLY.

WHOLE No. 2631.

## MURDER FIRST DEGREE FOUND AGAINST MIRANDA

The Jury Deliberated More Than One Hour.  
Miranda on the Witness Stand—Last  
Days' Proceedings.

"TERRITORY OF HAWAII vs. JOSE MIRANDA. MURDER. WE THE JURY IN THE ABOVE ENTITLED CAUSE FIND THE DEFENDANT GUILTY OF MURDER IN THE FIRST DEGREE.  
"JONATHAN SHAW,  
"FOREMAN."

With the rendering of the foregoing verdict at 5:25 p. m. yesterday, the trial of Jose Miranda for the murder of Samuel Edward Damon on the night of Tuesday, September 27, 1904, came to an end. The case was called for trial on Monday morning last. Two days were consumed in obtaining a jury, so that the actual trial occupied two days.

After the polling of the jury and the noting of exceptions as stated in the regular order of proceedings below, the court consulted counsel on the time for delivery of sentence.

### SENTENCE ON TUESDAY.

Judge Gear, on continuing the case for sentence until Tuesday morning, made the following remarks:

"Before the court takes adjournment the court wishes to thank the counsel for the defendant for the faithful and able manner in which they have performed their duties. It was a labor of love in the interests of justice, taking up the case at the request of the court, and receiving no compensation. The court thanks you, Mr. Thompson, and asks you to thank Mr. Davis, who is absent."

### LARGE CROWD PRESENT.

The courtroom was crowded throughout the day, even to most of the standing room, with a heterogeneous assembly as to racial features. There was if anything a larger attendance when the verdict was rendered than at any previous time of the day. While a goodly proportion of the spectators consisted of respectable citizens, dropping in at intervals of leisure and after business hours, there was a considerable presence of the element for which criminal courts are established.

Next to the verdict itself, the feature of the day was Miranda's appearance on the witness stand in his own behalf. A perusal of the result below will probably convince the reader, as it did intelligent people who heard the interpretation in court, that the defendant supplied whatever might be lacking in proof of malice aforethought and premeditation as those elements of a murder case are judicially defined.

The length of time taken by the jury to agree upon their verdict was caused, it is said, by two of the jurors holding out awhile for a verdict of manslaughter.

Miranda was indicted, it may be recalled, the day after the murder.

### CHITO'S EVIDENCE.

Chito, called "the blind boy" on account of some trouble with his sight the time of the murder, concluded his evidence at the opening of court in the morning. When "the man in the buggy" after alighting had asked Miranda a third time to put the lantern back, witness saw no more, as he ran away. He was carrying the woman's shoes and dropped one of them. At the top of the hill the three joined hands and ran. Jose told him he had cut one of his hands and witness asked him if he had cut the man. Miranda told him he had, that he had cut him in the stomach. Miranda carried witness across a bridge and ditch on his back, as they struck the railroad track. He told witness he cut his hand on the knife when stabbing the American.

Cross-examined, Chito said he had worked at plantation labor most of his life; worked at Waipahu three years ago; was in Honolulu two years in jail for breaking a window and stealing watches; could not tell whether the American came out of his buggy before the conversation, because he could not see that night.

Thomas Anderson, employed on the Damon premises, testified to the placing of the lantern on the roadside.

### THE WOMAN'S STORY.

Marie Antonia Collins, sworn, declined in a high key the following preamble to her testimony: "Tell the Judge I'm going to tell nothing but the truth."

Witness said she heard threats every day, as she traveled in the patrol wagon to and from court, from Porto Biano to kill her for testifying against Miranda. Judge Gear regarded this as a serious matter, which should be attended to by the police.

Witness was with defendant at Manoa on September 27; they had a meal there, she having brought food from home. In the evening Miranda gave her a dozen rocks to hold, which

tired her hands; she threw them away. She told Miranda she wanted to go home to her bed; she was not a dog to sleep in the woods; defendant stayed with Chito while she went to get a bundle of clothes; then they took hold of Chito's hands and started on. They saw two lights on the Government road; Jose told her to take one of them; she refused, saying it was not hers, and Jose got the light himself.

As they went on, the buggy passed them; the man in the buggy asked where they got the light. Jose answered: "You go to hell, it's none of your business." The buggy went on and came back, and Jose threw the lantern away; he said he wanted his hands clear to defend himself; the buggy came near running over them.

Jose jumped to one side and witness seized Chito and took him to the other side; the American got out of the buggy and looked at her for about three minutes, then he told Jose to return the light and Jose swore at him; then the American took hold of Jose's shoulders and shoved him; that was the time Jose stabbed him. Jose threw away the knife and said they would have to run. Chito stumbled in a ditch and witness lost a shoe; Jose went ahead; he told Chito he was cut; Jose carried Chito across ditches on his back.

Cross-examined by Mr. Thompson, Marie said she had talked with the Attorney General but not that day and only once when Chito was present. When the American came back in the rig, Jose first asked him what he wanted. Witness said before she went to jail she did washing for two Porto Biano boys, who paid her ten cents for two pieces.

Mr. Davis about this stage put some questions.

"You better go please put the light back," was what the American said. Witness illustrated with the interpreter how Damon laid hands on the defendant, pressing lightly with the ends

(Continued on Page 2.)

## SAW THE FIGHTING

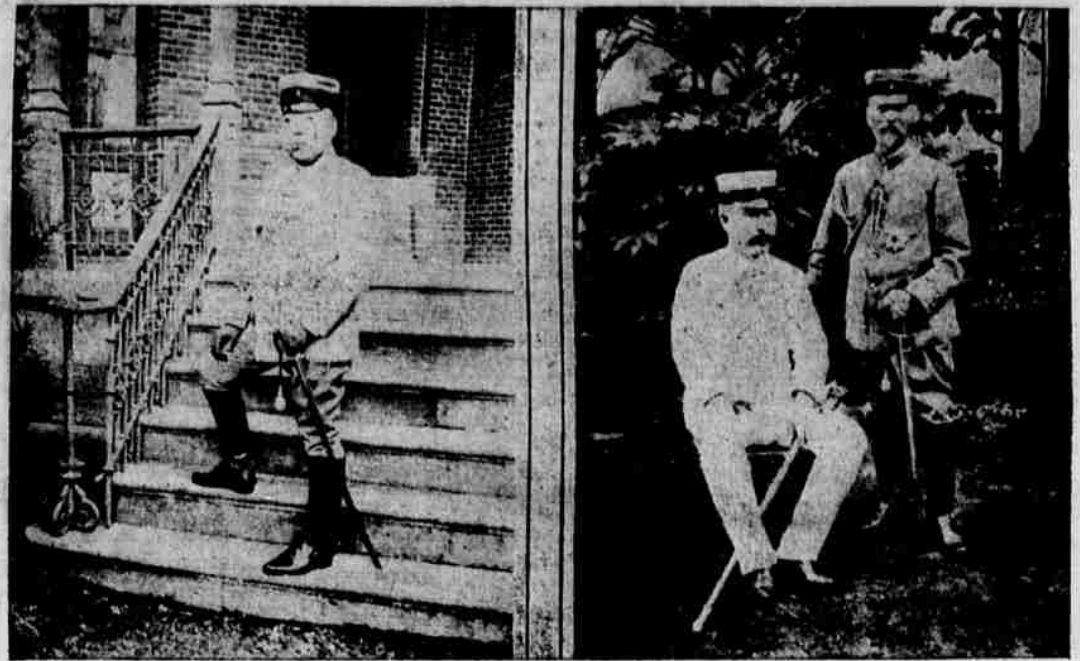
Correspondent From  
the Battlefields  
Here.

There were only two correspondents that saw the battle of Liao Yang and one of them is in this city. He is Grant Wallace, leading editorial writer of the San Francisco Bulletin and a prominent artist and newspaper man of San Francisco. How he managed to get to the front when others failed and his experiences on the firing line of the greatest battle of this generation and one of the greatest of modern times is a story that reads like a novel and speaks volumes for the grit and enterprise of the modern newspaper man.

On the evening of the 29th of August the Russian army lay entrenched in a semicircle about the city of Liao Yang. The center and the right wing were posted on a chain of hills in which were three prominent elevations. Opposite the Russian lines lay the Japanese army in a huge horseshoe. General Oku's army was on the left, General Takushan in the center and General Kuroki on the right. In the Takushan army were two divisions and in Kuroki's were four. General Oku had between three and four hundred guns in the cane fields in which his army was encamped. The Russians maintained two lines of defense.

The battle began with the attempt of General Kuroki to cut off Kuropatkin's line of retreat and skirmishes between Oku's cavalry and Stakelberg's corps. At this time the war correspondents, some fifteen or twenty in number were under the care of military chaperones in the rear of Oku's army—"Attached to the headquarters of the Japanese army," as Mr. Wallace puts it. The officials had promised them that this time they would see a real fight. Wallace suggested that as the promises had never been fulfilled that it might be a good idea to sit down and tell the officers that no news would be sent but when the chaperones said that the men could go up on a hill and see the fight all eagerly followed with the exception of Wallace and Whiting, artist of the London Graphic. As soon as the other correspond-

## JAPAN BELIEVES SHE CAN BORROW A QUARTER OF A BILLION PER ANNUM



MARQUIS OYAMA, COMMANDER-IN-CHIEF OF THE JAPANESE FORCES.

GENERAL KODAMA (STANDING), GENERAL TERAUCHE (SITTING).

From stereograph copyright, 1904, by H. C. White Co., New York; H. G. Ponting, artist.

ents had gone the two set out eastward toward the hill. After traveling together a while they separated. Of the entire party which started to the front Wallace was the only one that got near enough to smell powder.

The second correspondent who saw the battle was Lieut. Kann of the French army who is doing work for the Paris Figaro. He fell in with Wallace on the way and they both reached the camp of the Takushan army without any trouble. There they saw the three days of heaviest fighting. The first attack of the Japanese was directed against Wedge Hill, the most easterly of the three hills. This summit was occupied by the Russian center. The first attack was repulsed and from that time on the battle raged fiercely along fifteen miles of front. The Russians sent up a balloon to determine the Japanese position and as soon as they were located the Russian shells began to churn up the dust on the hills. At noon on the 30th Takushan charged and took Wedge Hill (Continued on Page 5.)

## Russians Are Preparing to Move Out of Mukden--Sally From Port Arthur?

(ASSOCIATED PRESS CABLEGRAMS.)

TOKIO, Oct. 7.—Count Okuma in his budget speech predicted that the war would cost Russia two billion dollars. If necessary Japan could borrow \$250,000,000 per year providing the \$75,000,000 already borrowed abroad caused no depreciation of securities.

### MOVING AT MUKDEN.

MUKDEN, Oct. 7.—There is an unusual bustle here, the streets being crowded with carts and mules. Evidently something is in the wind.

### PROBABLY EVACUATION.

ST. PETERSBURG, Oct. 7.—It is believed the activity at Mukden indicates an evacuation.

### A PORT ARTHUR RUMOR.

ST. PETERSBURG, Oct. 7.—A report that the Port Arthur squadron has made another sortie is received with some credence here.

### AFTERNOON REPORT.

MUKDEN, Oct. 6.—The main forces of both armies are quiet. The scouts are active.

CHEFOO, Oct. 6.—The Japanese squadron is thought to have been damaged by a storm in the Yellow Sea.

TOKIO, Oct. 6.—Count Okuma in a public address warns the people of Japan to prepare for a long war. He predicts that the cost to Japan of two years' war will be a billion dollars. He alleges that the Japanese officials are corrupt.

MUKDEN, Oct. 5.—Skirmishes on Kuropatkin's front indicate a forward movement by Oyama.

### KUROKI IS LOCATED.

ST. PETERSBURG, Oct. 5.—Kuroki's forces have been located at Bentsiaputze. Their position is unchanged. Nodzu is at Yentai and Oku west of the railway.

### FEAR CHINESE DISORDERS.

LONDON, Oct. 5.—The Japanese have begun an agitation in north China which, it is feared, may cause disorders in the event of Russian success, causing the leading powers to intervene.

### QUIET AT VLADIVOSTOK.

VLADIVOSTOK, Oct. 5.—Everything is quiet here and the people are returning. Salt is scarce. The navigation of the Amur will soon close.

ST. PETERSBURG, Oct. 6.—It is rumored that Alexieff will succeed Lamsdorff as Minister of Foreign Affairs. Kuropatkin's friends are confident that he will be given temporary command of both Russian armies.

### BRIGANDS AID JAPANESE.

ST. PETERSBURG, Oct. 6.—Ten thousand Chinese brigands are co-operating with the Japanese.

### ADVANCE POSTS DRIVEN IN.

HARBIN, Oct. 6.—It is reported that the Japanese advance posts have been driven back along the line between Hunao and Bensiha.

### RECRUITING CHINESE.

MUKDEN, Oct. 6.—The Japanese are recruiting Chinese militia.

## HUNDRED DOLLAR ROUND TRIP RATE MADE BY THE VANCOUVER STEAMERS

Canadian Pacific Railway Company.  
Office of the Passenger Traffic Manager.

Montreal, Sept. 16, 1904.

E. M. Boyd, Esq., Secretary Hawaii Promotion Committee,  
San Francisco, Cal.

Dear Sir: Replying to your recent favor I take pleasure in advising you that we have arranged for our November, December and January sailings to sell at a special round trip rate of \$100.00 from Portland, Puget Sound and British Columbia ports to Honolulu and that this rate will be used for basing purposes by all agents east of Vancouver. I trust that this may produce the desired result.

Yours truly,

(Signed)

ROBERT KERR.

The above letter was received a few days ago by Secretary Boyd of the Promotion Committee and was laid before the regular session of that body yesterday afternoon. It was the cause of great rejoicing because it means that the committee has at last some definite result after its strenuous campaign for lower rates between the coast and Hawaii. Formerly all the lines were in an agreement by which tickets were sold at the same rate and were good on any of the lines. The rate just made by the Canadian Pacific people is entirely outside of this agreement and is good only on the boats of the Canadian-Australian line.

Although this rate does not involve the other companies they will keep a close eye on the flow of traffic and if it turns to be "All Red" line it is more than probable that there will be more rate-cutting. The rate quoted is an experiment for the months indicated but if it proves a success the company has assured the local committee that it will be continued. The reduction of \$35 in the round trip rate is a big cut and will mean considerable saving even taking into consideration the railway fare from San Francisco to Vancouver.